

WILLIAMSBURG BOARD OF ZONING APPEALS MINUTES

January 2, 2002

The regular meeting of the Williamsburg Board of Zoning Appeals was held on Wednesday, January 2 at 3:00 p.m. in Conference Room 3B, Third Floor, Williamsburg Municipal Building, 401 Lafayette Street.

ATTENDANCE

Present were Board members Kafes, Knudson, and White. Absent were Board members Carr and Chohany. Also present were Zoning Administrator Murphy and Secretary Scott.

CALL TO ORDER AND MINUTES

It was determined that officers for the year 2002-03 will be chosen at the next BZA meeting because two of the five Board members are absent today. Vice-Chairman for the year 2001-02, Mr. Kafes, called the meeting to order, and welcomed new BZA member Elizabeth White.

Mrs. Knudson moved that the minutes of the December 4, 2001 meeting be approved as submitted. Mr. Kafes seconded the motion, which carried viva voce.

PUBLIC HEARINGS

BZA #01-02: Request of James & Georgiana Kornwolf for a variance from Section 21-192 of the Zoning Ordinance to enclose an existing second floor deck into a greenhouse which is located in the rear yard. The greenhouse will be located approximately eleven feet from the rear property line and 25 feet is required under the current Zoning Ordinance. The property is located at 2133-21 South Henry Street, and is zoned Multi-Family Dwelling District RM-1.
Approved.

Mr. Kafes introduced the request for a variance and asked owner Mrs. Kornwolf if she would like to make any remarks.

Mrs. Kornwolf acknowledged that construction of the greenhouse is already underway because she and her husband did not realize they needed to obtain variance approval from the City. She said her neighbors are thrilled with their idea of enclosing the existing second floor deck into a greenhouse, and she hopes they will be encouraged to follow the example. Mrs. Kornwolf noted that the development has an enormous dry-rot problem and that all the

units in the development need to be updated. The Oaks architectural review committee has approved the request.

Mr. Kafes opened the public hearing.

There being no comment the public hearing was closed.

Mrs. Knudson moved that the request for a variance be approved based on fulfillment of Section 21-97(b)2 which states:

- That the strict application of this chapter would produce undue hardship.
- That such hardship is not shared generally by other properties in the same zoning district and same vicinity.
- That the authorization of such variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance."

Mrs. White seconded the motion, which carried by roll call vote of 3-0.

Recorded vote on the motion:

Aye: Knudson, Kafes, White
No: None
Absent: Carr, Chohany

Mr. Kafes noted that there are special circumstances that led him to approve of this request: (1) it backs up to common area, and (2) it will be beneficial for the community.

BZA #02-02: Request of Heritage Inn, LLC for a special exception from Section 21-896 of the Zoning Ordinance to construct an enclosure under the existing canopy to allow for easier, more direct patron access, enhanced appearance and smoother flow of traffic through the building. The Zoning Ordinance allows the enlargement of an existing legally nonconforming building that does not meet yard regulations if the yard provided for in the addition are not less than the adjacent nonconforming yards. Portions of the existing building are located less than a foot from the side yard instead of the required 15 feet and the addition will be located 6.3 feet from the side property line. The property is located at 1324 Richmond Road, and is zoned General Business District B-3. **Approved.**

It was noted that a representative was not present for the hearing of this request. The Board decided to go forward with discussion.

Mrs. White noted that the proposal would need to go to the City's Architectural Review Board for review as well as being reviewed by this Board.

Mrs. Knudson moved that the request be approved based on fulfillment of Section 21-97(f)2 of the Zoning Ordinance:

- a. It is designated, constructed and operated to adequately safeguard the health, safety and welfare of the occupants of the adjoining and surrounding property;
- b. It does not unreasonably impair an adequate supply of light and air to adjacent property;
- c. It does not increase public danger from fire or otherwise unreasonably restrict public safety;
- d. It does not impair the established property values in surrounding areas.

The motion carried by roll call vote of 3-0.

Recorded vote on the motion:

Aye: Knudson, Kafes, White

No: None

Absent: Carr and Chohany

OLD BUSINESS – None

NEW BUSINESS - None

There being no further business before the Board the meeting adjourned at 3:20 p.m.

Respectfully submitted,

William O. Kafes, Vice Chairman
Board of Zoning Appeals